Town of Milton
115 Federal St
Milton, DE 19968



## www.ci.milton.de.us

Phone: 302-684-4110 Fax: 302-684-8999

#### ORDINANCE NO. 2012-01

# AN ORDINANCE TO AMEND THE TOWN CODE, CHAPTER 209, ENTITLED "VEHICLES AND TRAFFIC," REGARDING TRUCK TRAFFIC RESTRICTIONS

WHEREAS, the Town Charter of the Town of Milton authorizes the Town Council to provide for the safety, health and public welfare of the Town, its inhabitants and affairs, including but not limited to the regulation of streets and highways; and

WHEREAS, Section 4505, Title 21, Chapter 45 of the Revised Code of Delaware, 1976, as amended, states that "State and local authorities may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highway", and

WHEREAS, the Delaware Department of Transportation has determined on the basis of an engineering study and traffic investigation, that trucks over two axles except local services be prohibited from the use of certain streets and highways under the jurisdiction of the Department of Transportation; and

WHEREAS, a field survey indicates that there are alternative routes available; and

WHEREAS, the Delaware Department of Transportation did authorize a Truck Traffic Restriction Resolution on September 29, 2011;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, that the Town Council of the Town of Milton, a majority concurring, that the following revisions hereby be incorporated into Chapter 209 of the Town Code as follows:

#### Section 1: Definitions.

Amend Section 209-1 by including the following:

TRUCK – A vehicle or combination of vehicle(s) and/or trailer(s) comprising of three or more axles, or having a registered, actual or rated weight of greater than 26,000 lbs.; or being operated in a manner subject to the provisions of Delaware Department of Transportation Commercial Drivers License requirements - excepting school bus, public transportation, private bus and taxi cab operation.

Amend Section 209-123 by deleting it in its entirety and substituting in lieu thereof as follows:

#### Section 123: Use of trucks with three or more axles.

No driver of any truck, as defined in Section 209-1, shall use any highway, street, road, alley, or lane within the incorporated Town of Milton limits, provided that:

- (1) Commercial or service vehicle making local a delivery to, or pickup from, a place within the Town limits which cannot be accessed from a designated truck route shall be excepted. The driver of the vehicle shall carry proof of the intended place of delivery and/or pickup and be using the most direct practical route to or from the destination to or from a designated truck route.
- (2) This truck traffic prohibition, provided the exceptions of Section 209-123 (1), shall apply specifically to the following:
  - a) Delaware Route 5/Union Street at the intersection of Delaware Route 16/5A Milton-Ellendale Highway southerly to Federal Street (S22) and continuing to the intersection of Delaware Route 5/Harbeson Road and Delaware Route 5A/Sand Hill Road (S319).
  - b) Chestnut Street (S249), from a point 1,350 ft. north of the intersection with Delaware Route 5/Harbeson Road (S22) northeasterly to the intersection with Atlantic Street (S88).
  - c) Lavinia Street (S250), from a point 1,350 ft. south of the intersection with Mulberry Street (S197) to the intersection with Mulberry Street (S197).
  - d) Mulberry Street (S197) from the intersection with DE Route 16/5A Milton-Ellendale Highway southerly to the intersection with Delaware Route 5 Federal Street (S22).
  - e) Front Street (S89) from a point 1,900 ft. north of the intersection with Atlantic Street/Cave Neck Road (S88) to the intersection with Delaware Route 5/Union Street/Federal Street (S22).
  - f) Atlantic Street/Wharton Street (S88) from a point 1,480 ft. northwest of the intersection with Front Street to the intersection with Delaware Route 5/Federal Street (S22) and Mulberry Street (S197).
- (3) This truck traffic prohibition shall not apply to any designated truck route.
- (4) Enforcement of the provisions of this Section shall commence upon the posting of appropriate signs.

Amend Chapter 209 by inserting new sub-section 209-124 as follows:

#### Section 124: Violations and penalties.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof before a court of competent jurisdiction, shall be fined \$75 and shall pay the costs of prosecution."

I, CLIFFORD M. NEWLANDS, Mayor of	the Town of Milton, hereby certify that the
foregoing is a true and correct copy of a Ordinance a	adopted by the Town Council of the Town of
Milton at its meeting held on the day of	, 2012, at which a quorum was present
and voting throughout and that the same is still in full for	orce and effect.

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Milton, DE 19968



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#### **ORDINANCE NO. 2011-05**

# AN ORDINANCE TO AMEND THE TOWN CODE, CHAPTER 209, ENTITLED "VEHICLES AND TRAFFIC," REGARDING TRUCK TRAFFIC RESTRICTIONS

WHEREAS, the Town Charter of the Town of Milton authorizes the Town Council to provide for the safety, health and public welfare of the Town, its inhabitants and affairs, including but not limited to the regulation of streets and highways; and

WHEREAS, Title 17, section 134(e) of the Delaware Code provides that, "Local authorities, on the basis of an engineering study and traffic investigation within their respective jurisdictions, may prohibit the operation of trucks or other commercial vehicles or impose limitations as to the weight thereof on designated highways which prohibitions and limitations shall be posted as set forth in Subsection 4505 of Title 21; except that the alteration of weights or the prohibitions of trucks or other commercial vehicles shall not be effective on any state-maintained highway until such alteration has been approved by the Department."; and

WHEREAS, the Delaware Department of Transportation Traffic Studies Section has conducted a Field Investigation evaluating the existing signing for SR16/SR5A/Milton/Ellendale Highway (S16), SR30/SR5A/Gravel Hill Road (S248), and SR5A/Sand Hill Road (S319), as well as, signs on SR5 Union Street Extension (S22), SR5 Union Street (S22), SR5 Federal Street (S22), and Atlantic Road/Cave Neck Road (S88) in reference to route signs and signs directing truck traffic; and

WHEREAS, the Delaware Department of Transportation has provided its approval regarding State-maintained highways within Town limits;

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Town Council of the Town of Milton, a majority thereof concurring, that the following revisions hereby be incorporated into Section 209, Article XVII of the Town Code as follows:

Section 1. Amend Section 209-123 by deleting it in its entirety and substituting in lieu thereof as follows:

#### "§ 209-123. Use of trucks with three or more axles.

No driver of any truck having three or more axles, including axles on any connected trailer, shall use any highway, street, road, alley, or lane within the incorporated Town limits, except for:

- (1) A designated truck route; or
- (2) A commercial vehicle making a local delivery to or pickup from a place in the town within the Town limits which cannot be accessed from a designated truck route.



#### STATE OF DELAWARE

#### DEPARTMENT OF TRANSPORTATION

800 BAY ROAD P.O. BOX 778 DOVER, DELAWARE 19903

SHAILEN P. BHATT SECRETARY

#### MEMORANDUM

TO:

Donald D. Weber, P.E.

**Chief Traffic Engineer** 

VIA:

Thomas E. Meyer, P.E.

**Traffic Studies Manager** 

FROM:

Christopher N Sylvester, E.I.

**Traffic Studies Engineer** 

DATE:

November 28, 2011

SUBJECT:

**Truck Traffic Restriction Resolution** 

Town of Milton, Sussex County

Attached is a Delaware Department of Transportation (Department) Truck Traffic Restriction Resolution administrated in response to a Town of Milton (Town) Truck Traffic Restriction Resolution, authorized 9/29/2011. As the Town resolution prohibits trucks having three (3) or more axles from using any highway, street, road, alley, or lane within the incorporated Town limits, except for any such truck going immediately to, or leaving immediately from, a local delivery within said limits, the Department will need to approve and authorize the above restriction on any state-maintained highway within Town limits.

The authorization of the attached Department Truck Traffic Restriction Resolution will restrict trucks having three (3) or more axles from using the below listed portions of state-maintained highways within Town limits, the stated restrictions coinciding with the Town Truck Traffic Restriction Resolution. All other portions of state-maintained highways within Town limits will remain un-restricted to truck traffic.

- On DE Route 5 / Union Street / Federal Street (S22), from the intersection with DE Route 16 / DE Route 5A / Milton/Ellendale Highway (S16) to the intersection with DE Route 5 / Harbeson Road (S22) and DE Route 5A / Sand Hill Road (S319).
- On Chestnut Street (S249), from a point 1,350ft north of the intersection with DE Route 5 / Harbeson Road (S22) to the intersection with Atlantic Street (S88).
- On Lavinia Street (S250), from a point 1,350ft south of the intersection with Mulberry Street (S197) to the intersection with Mulberry Street (S197).



# STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION DOVER, DELAWARE

TR#	Date Authorized:	
	TRUCK TRAFFIC RESTRICTION	
	TOWN OF MILTON, SUSSEX COUNTY	

WHEREAS, Section 4505, Title 21, Chapter 45 of the Revised Code of Delaware, 1976, as amended, states that "State and local authorities may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highway," and

WHEREAS, the Department of Transportation has determined on the basis of an engineering study and traffic investigation, that trucks over 2 axles except local services be prohibited from the use of certain streets and highways under the jurisdiction of the Department of Transportation; and

WHEREAS, a field survey indicates that there are alternative routes available;

NOW, THEREFORE, BE IT RESOLVED, that the Department is by this Act, prohibiting truck and commercial traffic of trucks over two (2) axles, except service vehicles making local deliveries, from the use of the below portions of state-maintained highways as shown on the attached print dated November 28, 2011 upon posting with the appropriate signs:

- On DE Route 5 / Union Street / Federal Street (S22), from the intersection with DE Route 16 / DE Route 5A / Milton/Ellendale Highway (S16) to the intersection with DE Route 5 / Harbeson Road (S22) and DE Route 5A / Sand Hill Road (S319).
- On Chestnut Street (S249), from a point 1,350ft north of the intersection with DE Route 5 / Harbeson Road (S22) to the intersection with Atlantic Street (S88).
- On Lavinia Street (S250), from a point 1,350ft south of the intersection with Mulberry Street (S197) to the intersection with Mulberry Street (S197).
- On Mulberry Street (S197) from the intersection with DE Route 16 / DE Route 5A / Milton/Ellendale Highway (S16) to the intersection with DE Route 5 / Federal Street (S22).
- On Front Street (S89) from a point 1,900ft north of the intersection with Atlantic Street /
  Cave Neck Road (S88) to the intersection with DE Route 5 / Union Street / Federal Street
  (S22).

